

Remarks

Claims 1 and 2 have been amended, and new claims 42 and 43 have been added. No new matter has been introduced.

Responsive to the action mailed July 10, 2002, applicants conditionally elect the invention of Group IX drawn to a method of treating stroke. The election is made with traverse.

Applicants respectfully submit that the restriction requirement is improper under MPEP 803, which states:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

In the present case, the examiner has indicated that Groups I-IX are all classified in class 424, subclass 93.1. Thus, searching all of the listed groups poses no more burden to the examiner than searching a single group -- in either case only a single class and subclass must be searched.

With regard to examination, applicants submit that examining all of the claimed subject matter would also pose no additional burden to the examiner. However, if the examiner wishes to require applicants to *elect a species, for examination purposes only*, to simplify examination, such a requirement would be acceptable to applicants.

In view of the above, applicants respectfully request that the restriction requirement be withdrawn and that all claimed subject matter be examined as is required by MPEP 803.


Applicant : Morey Kraus et al.
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Filed herewith is a Petition For 1 Month Extension of Time with the required fee. Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

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Celia H. Leber
Reg. No. 33,524

Reg. No. 30,175

Fish & Richardson P.C.
225 Franklin Street
Boston, Massachusetts 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

Version with Changes Marked

1. A method of causing an improvement in function of the central nervous system of a subject having impaired central nervous system function, comprising

(a) preparing an aliquot of cells containing a predetermined target population by providing a starting sample of cells derived from umbilical cord blood, and causing cells of the target population in the starting sample to divide; and

(b) administering to the subject [an] the aliquot of cells [derived from umbilical cord blood].

2. A method of causing an improvement in a function of the central nervous system of a subject, comprising

(a) preparing an aliquot of cells containing stem cells by providing a starting sample of cells derived from blood, and causing stem cells in the starting sample to divide; and

(b) administering to the subject [an] the aliquot of cells [derived from blood, the aliquot containing stem cells].